

# Exhibit 77

Pages 1 - 57

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JACQUELINE SCOTT CORLEY, MAGISTRATE

IN RE: FACEBOOK, INC. CONSUMER ) NO. 18-MD-02843 VC (JSC)  
PRIVACY USER PROFILE LITIGATION, )  
\_\_\_\_\_)

San Francisco, California  
Tuesday, January 11, 2022

**TRANSCRIPT OF PROCEEDINGS VIA ZOOM WEBINAR**

**APPEARANCES:**

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Reported by: Katherine Powell Sullivan, CSR #5812, CRR, RMR  
Official Reporter - U.S. District Court

**APPEARANCES:** (via Zoom Webinar; continued)

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Also Present: Honorable Gail A. Andler

1 already complied with Mr. Garrie's order. And we have  
2 submitted information earlier this week about all of those data  
3 sources. So I want to make sure the Court is aware of that.

4 **THE COURT:** So is it moot then, your appeal of that  
5 portion of the order?

6 **MS. KUTSCHER CLARK:** Uhm, potentially, yes. But what  
7 we're appealing is the holding that data that is not shared is  
8 relevant and discoverable in the case, because Mr. Garrie did  
9 not say, I'd like to further explore whether other data was  
10 shared. What he said is the discoverable data is not limited  
11 to data that was shared or made accessible, which --

12 **THE COURT:** As I read the briefs, though, the briefs  
13 that were presented to Mr. Garrie, what plaintiffs' argument  
14 was, was we don't disagree that the data shared, but as this  
15 Court, as I ruled, that's sort of an open question as to what  
16 was shared or made accessible.

17 So it really comes back, I think, to Ms. Stein's point  
18 that the 30(b)(6) was the beginning and the end --

19 **MS. KUTSCHER CLARK:** Correct.

20 **THE COURT:** -- and plaintiffs get no more.

21 So let me hear from plaintiffs on that with respect to the  
22 30(b)(6).

23 **MS. WEAVER:** Thank you, Your Honor. Good morning and  
24 Happy New Year.

25 So I think that Your Honor has made many of the points

1 notwithstanding Facebook's earlier admonition at a hearing many  
2 months ago that they would not appeal anything and they wanted  
3 cost shifting for people who did appeal, here we are on motions  
4 for reconsideration and appeals, and plaintiffs are still even  
5 just waiting to get plaintiffs' dataset identified.

6 **THE COURT:** Okay. I'm just going to stop you there,  
7 though.

8 **MS. WEAVER:** Yep.

9 **THE COURT:** They do have a right to appeal. And  
10 Special Master Garrie responded and narrowed his orders in  
11 response to their motions for reconsideration. So I don't  
12 think you can make an argument that there was anything bad  
13 faith about that at all because he responded to it.

14 The protocol or the order has a very limited time for  
15 appeal. And they haven't appealed every order because I've  
16 seen, there's lots of orders on the dockets and they haven't  
17 appealed. And they haven't appealed every aspect of every  
18 order.

19 And I think it would be unfair to say that you could --  
20 you can never appeal. And should you do that, no one would  
21 ever agree to a Special Master. So I just want to -- I  
22 couldn't let that stand uncorrected. I don't think that's  
23 fair.

24 Do you have a case management conference scheduled with  
25 Judge Chhabria?